Several Ellsberg Jurors Angry Over Dismissal

Post 12/13/72

LOS ANGELES, Dec. 12 (AP)—The Pentagon papers trial jury was sent home today and several jurors expressed disgust that they waited four months in vain to judge the case.

One member of the panel arose in court and, in an emotional speech, told the judge the jurors were unhappy because their lives had been upset for no reason. The judge said he understood, but would make no change in his decision to replace them, adding: "You no longer have anything to do with this case."

As the judge was dismissing them, juror William Abata, a rubber company maintenance man, stood and, in a trembling voice, asked to speak. He lauded his fellow jurors as "a fair and impartial group of people."

"They feel in the four months their freedom of speech, their freedom to read and see the news have been taken away from them," he said. "They think people had plans they were going to make, and now they're all goofed up and messed up."

[Abata, who was sworn in with the other jurors last July 21, had a nephew killed in an accident in Vietnam more than two years ago. During the jury selection process last summer, he told the judge that this personal tragedy would not affect his view of the Pentagon papers case.]

U.S. District Court Judge W. Matt Byrne Jr. dismissed the panel after the Ninth U.S. Circuit Court of Appeals declared that it would be "foolish" for Daniel Ellsberg and Anthony Russo to be tried on conspiracy, theft and espionage charges by a jury selected more than four months earlier.

Byrne had initially rejected a defense motion for a mistrial and a new jury, after the jurors told him they had not minded shielding themselves from news of the case and woud remain impartial about it.

But after the court session, Abata told reporters, "We felt we were being taken, in one way or another. . . . We were angry at the judge. We felt he should have been running his courtroom. The attorneys seemed to be running it."

He referred to the series of legal motions and appeals which have stalled the case since last August while higher courts considered motions by the defense.

Ellsberg conferred with several of the jurors after they were dismissed. They said they had no bias against him, but Abata, for one, told Ellsberg the jury thought the defense was stalling because "the longer the case was stalled the better chance you'd have."

"But because I'm agry at you," he added, "doesn't mean I'd find you guilty."